

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

PAULA HINCAPIE,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. _____
DAVID STANLEY CHEVROLET, INC.;)	
DAVID STANLEY FORD OF MIDWEST)	
CITY, LLC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1146(a)(3) and 28 U.S.C. § 1441(a), all Defendants file this Notice of Removal and show:

1. All Defendants have been served in the state court action styled *Paula Hincapie v. David Stanley Chevrolet, Inc., and David Stanley Ford of Midwest City, LLC*, CJ-2017-5599. This action is pending in the District Court of Oklahoma County, Oklahoma. The Petition is attached as Exh. 2.

2. This action arises out of the facts and circumstances surrounding Paula Hincapie's employment at David Stanley Ford of Midwest City, LLC, from July 2016 to September 2016. All of Plaintiff's claim arise from this time period and from the Defendants' alleged actions or omissions related to this occurrence.

3. Plaintiff originally filed her action on October 2, 2017 against the Defendants. In that Petition, she alleges the conduct of certain co-workers towards her at the dealership amounted to gender and race/national origin discrimination and retaliation

for reporting such discrimination. She also claims that the dealership failed to pay her commissions she had earned in violation of Oklahoma state law. All of this allegedly resulted in Plaintiff's constructive discharge.

4. Because this action arises in part under 42 U.S.C. § 1981, as well as Title VII of the Civil Rights Act, this action is now a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331. It is one which may be removed to this Court pursuant to 28 U.S.C. § 1441(a), because the case is a civil action founded on claims or rights asserted under the Constitution and laws of the United States.

5. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a), as all claims in this action arise out of the same transaction and occurrence: the conduct of Plaintiff's co-workers toward Plaintiff during her employment term.

6. Defendants were served on October 16, 2017. These summonses are attached as Exhibit 3.

7. This Notice of Removal is timely filed within thirty (30) days after Defendants received "a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based," pursuant to 28 U.S.C. § 1446(b)(1).

8. Both defendants are represented by undersigned counsel and are therefore joining in this removal.

9. In accordance with 28 U.S.C. § 1446(a) and LCvR 81.2(a), copies of all process, pleadings and orders filed in the state court action and served upon the

Defendants as of this date are attached as exhibits in chronological order pursuant to the District Court of Cleveland County's docket sheet, which itself is attached as Exhibit 1.

10. Promptly after the filing of this Notice of Removal, Defendants shall give written notice of the removal to Plaintiff through her attorney of record and to the clerk of the state court as required by 28 U.S.C. § 1446(d).

WHEREFORE, the Defendants request that this action now pending against them in the District Court of Oklahoma County, Oklahoma, be removed to the United States District Court for the Western District of Oklahoma, as an action properly removable thereto and seek general relief.

Respectfully submitted,

s/ Jeffrey C. Hendrickson
Malinda S. Matlock, OBA #14108
Jeffrey C. Hendrickson, OBA #32798
Pierce Couch Hendrickson
Baysinger & Green, L.L.P.
P.O. Box 26350
Oklahoma City, OK 73126
Telephone: (405) 235-1611
Facsimile: (405) 235-2904
mmatlock@piercecouch.com
jhendrickson@piercecouch.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on **November 5, 2017**, I electronically transmitted the attached document to the Clerk of Court via electronic mail for filing. I also transmitted the attached document to the following counsel via electronic mail and United States Mail, with first class postage prepaid fully thereon.

Mark E. Hammons, OBA #3784
Amber L. Hurst, OBA #21231
Hammons, Gowens, Hurst, & Associates
325 Dean A. McGee Avenue
Oklahoma City, OK 73102
Telephone: (405) 235-6100
Facsimile: (405) 235-6111
amber@hammonslaw.com
leah@hammonslaw.com

Attorney for Plaintiff Paula Hincapie

s/ Jeffrey C. Hendrickson

Jeffrey C. Hendrickson